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LIBER

1 PAGE 190

COUNTY COUNCIL

OF

HARFORD COUNTY, MARYLAND

1973 Legislative Session, Legislative Day No. 73-24

Bill No. 73-31 (as amended)

Introduced by Mr. Habern W. Freeman, Jr.

~~ANXNOT~~

AN EMERGENCY ACT to add new Section 521A to the Code of Public Local Laws of Harford County (1965 Edition, as amended), to follow immediately after Section 520 thereof and to be under the new title, "Interference with Emergency Equipment", to provide that it shall be unlawful to interfere with or obstruct emergency equipment or vehicles, establish procedures for the removal of such obstructions, to provide penalties for the violation thereof, to provide for the proper establishment and marking by the fire marshall AND FIRE CHIEF of emergency equipment accesses, and matters generally related thereto.

By the Council August 14, 1973

Introduced, read first time, ordered posted and public hearing scheduled on

September 13, 1973, at 7:30 P.M. in the Council Hearing Room, Bel Air, Maryland.

By order, Eugene B. Johnston Secretary

1 Section 1. Be It Enacted by The County Council of Harford County,  
2 Maryland, that new Section 521A be, and it is hereby, added to  
3 the Code of Public Local Laws of Harford County (1965 Edition,  
4 as amended), and to be under the title, "Interference with  
5 Emergency Equipment", and to read as follows:

6  
7 (a) Definitions

8 For the purpose of this law, terms hereinafter set  
9 forth shall be defined as follows:

10 (1) A fire lane: is defined as a lane required to be  
11 permanently open for the ingress or egress of fire and other  
12 emergency vehicles only, in order that fires and other disasters  
13 may be prevented or controlled and exitways are kept unobstructed  
14 for life safety.

15 (2) An emergency vehicle: is defined as a vehicle  
16 so designated or authorized by the administrator of the State  
17 Motor Vehicle Administration.

18 (3) Safe and expeditious manner: means the use of  
19 any safe method by the proper authorities which is calculated to  
20 remove the obstruction in the shortest period of time; including,  
21 but not limited to, the use by the proper authorities of wrecking  
22 equipment, tools, tow trucks and explosives.

23 (4) FIRE COMPANY: "MEANS ANY VOLUNTEER OR COMPENSATED  
24 FIRE COMPANY SERVING HARFORD COUNTY INCLUDING THOSE OPERATED BY  
25 THE FEDERAL GOVERNMENT OR FROM OUT OF STATE."

26 (5) FIRE MARSHALL: "MEANS THE STATE FIRE MARSHALL OR  
27 ANY DULY APPOINTED COUNTY FIRE MARSHALL."

28 (b) Establishment of Fire Lanes.

29 The Fire Marshall OR THE FIRE CHIEF shall study the

1 fire lanes. If the fire marshall IN COORDINATION WITH THE FIRE  
2 CHIEF OF THE COMPANY SERVING THE AREA INVOLVED shall find any  
3 private entrance or exit, sidewalk, FIRE HYDRANT, or vehicular  
4 driveway or interior private driveway or sidewalk, existing or  
5 proposed, is obstructed or is likely to be obstructed by vehicles,  
6 debris, snow, construction material or other matter likely to  
7 interfere with the ingress or egress of emergency vehicles ~~he~~  
8 THEY shall order that the obstruction be removed at once and that  
9 such areas be kept clear of obstruction at all times. In order  
10 to facilitate the keeping of said ingress and egress areas free  
11 from obstruction, the Fire Marshall OR FIRE CHIEF shall erect  
12 the proper warning signs and shall designate placement  
13 thereof in cooperation with the Department of Public Works and  
14 he shall designate proper fire lanes which shall be clearly marked  
15 with the words "Fire Lane - Do Not Block" and such curb, road,  
16 sidewalk, or driveway or other access shall also have painted  
17 upon it, in a highly visible color, lines that will delineate  
18 the areas to be kept clear of any obstruction. Where such signs  
19 or markings must be erected or painted on privately owned property,  
20 the cost of the signs or marking or painting shall be borne by  
21 the owner or owners of the property.

22 (c) Authorization for Removal.

23 (1) Any Law Enforcement Officer, ~~Fire Department~~  
24 COMPANY or other City Agency is hereby authorized wherever  
25 necessary to take possession of, remove, tow away, impound or  
26 otherwise remove any debris, material, vehicle or other object  
27 which interferes with or obstructs previously established and  
28 marked fire lands for the access or operation of any Fire  
29 ~~Department~~ COMPANY equipment or other emergency vehicles or

1 to remove an obstruction from a fire lane during a fire or other  
2 emergency is authorized to do so in any manner that is both  
3 safe and expeditious as defined by this law.

4 (d) Parking Violations.

5 (1) In all cases involving parking violations in the  
6 way of fire lanes established and marked pursuant to this County  
7 Ordinance, the Law Enforcement Officer who discovers a vehicle  
8 illegally parked shall, if the operator is absent, attach a  
9 summons to the vehicle in a conspicuous place, or if the operator  
10 is present, deliver such summons to him. A copy of the summons  
11 shall be retained by the officer and shall bear certification  
12 under penalty of perjury by the officer attesting to the truth  
13 of the matter therein set forth. The recipient of such a  
14 summons may waive a hearing before the court at least five (5)  
15 days prior to the date of hearing set out in the summons. If  
16 the person so summoned desires a hearing, he shall notify the  
17 clerk of the court of such desire at least five (5) days prior  
18 to the date of the hearing as set forth in the summons. At the  
19 time that such notice of a desire for a hearing is given, the  
20 person summoned shall also notify the clerk of the court that  
21 he desires the presence of the officer who issued the summons  
22 at the time of the hearing. In the event that the person so  
23 summoned does not notify the clerk that he desires the presence  
24 of the officer at the time of the hearing as aforesaid, it shall  
25 not be necessary that the officer who issued the summons appear,  
26 and the copy of the summons bearing the certification by the  
27 officer shall be prima facie evidence of the matters therein  
28 set forth. The Law Enforcement Agencies shall cause notice of  
29 the provisions of this section to be printed clearly and in a

1 (2) Wherever an unattended motor vehicle may be found  
2 in violation of the provisions of this law, a rebuttable presump-  
3 tion shall arise that the registered owner, as disclosed by the  
4 records of the State Motor Vehicle Administration is responsible  
5 for the violation.

6 (3) Any person who shall violate his written promise  
7 to appear in court to answer to a charge of a violation of any  
8 of the provisions of this subtitle who willfully violates such  
9 promise to appear in court shall be guilty of a misdemeanor,  
10 regardless of the disposition of the charge upon which he was  
11 originally arrested. A written promise to appear in court may  
12 be complied with by an appearance by counsel.

13 (e) Penalties.

14 (1) Any person violating the provisions of this  
15 subtitle shall be guilty of a misdemeanor, and, upon conviction  
16 thereof, shall be fined not less than ten dollars (\$10.00) nor  
17 more than five hundred dollars (\$500.00), or imprisoned not less  
18 than ten (10) days nor more than three (3) months, or both fined  
19 and imprisoned.

20 (2) Each and every day during which a violation of  
21 this law continues shall be deemed a separate offense.

22 ~~(3) If as a proximate cause of the violation of any~~  
23 ~~part of this law there is a loss of life, the person violating~~  
24 ~~this law shall be guilty of a misdemeanor, and upon conviction~~  
25 ~~thereof, shall be fined the mandatory sum of one thousand dollars~~  
26 ~~(\$1,000.00) and shall be imprisoned for a period of six months~~  
27 ~~for every individual loss of life that occurred. Said imprisonment~~  
28 ~~period shall not run concurrently.~~

29 (f) Liability. Harford County OR ANY FIRE COMPANY SERVING

1 marked fire lane.

2 (g) Severability. If any provision of this ordinance  
3 or the application thereof to any person or circumstance is held  
4 invalid for any reason, such invalidity shall not affect the  
5 other provisions or any other application of this Ordinance which  
6 can be given effect without the invalid provisions or application,  
7 and to this end, all the provisions of this Ordinance are hereby  
8 declared to be severable.

9 Section 2. And Be It Further Enacted, that this Act is hereby  
10 declared to be an emergency Act and necessary for the immediate  
11 preservation of the public peace, health, safety, welfare and  
12 property and for the control of fires in the increasingly  
13 congested areas of the County and this Act shall take effect  
14 from the date it becomes law.

15 Effective: October 18, 1973

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BY THE COUNCIL

Read the third time.

Passed LSD 73-31 - OCTOBER 16, 1973 (With Amendments)~~XXXXXXXXXXXX~~

By order

*Ernest B. Johnston*, Secretary

Sealed with the County Seal and presented to the County Executive for his  
 approval this 17TH day of OCTOBER, 1973 at  
2:00 o'clock P.M.



*Ernest B. Johnston*, Secretary

BY THE EXECUTIVE

APPROVED:

*Charles B. Anderson, Jr.*  
 Charles B. Anderson, Jr., County Executive

DATE 10-18-73

BY THE COUNCIL

This Bill, having been approved by the Executive and